

R E M A R K S

The previous Amendment, refused entry in the Advisory Action mailed February 12, 1998, has been modified to remove the objection that it raises new issues requiring further consideration and/or search. Thus, it would appear that the Amendment is now susceptible of entry inasmuch as it reduces the issues for appeal by overcoming the rejections under 35 USC §112, first and second paragraphs, as indicated in the Advisory Action.

Attention is respectfully directed to the arguments presented in the previous Amendment, which are reproduced hereinbelow, concerning the rejections based on prior art.

Claims 1-4, 6 and 8-12 have been rejected under 35 USC §103 as being obvious over Gross. For the reasons set forth below, applicant respectfully contends that claim 1, as amended herein, is not rendered obvious by Gross or any of the other references of record, whether considered singularly or in combination. Thus, reconsideration and withdrawal of the rejection under Section 103 are respectfully requested.

Claim 1 has been amended herein to require that the fins cooperate to define at least one outwardly facing channel having a channel surface which enables the target insect to land thereon, and wherein the channel narrows from the wider bases to the narrower apexes. It is noted that the channel surface is defined by adjacent sides of a pair of fins, as can

be seen most clearly in Fig. 1(b). As explained in the specification, this fin structure is an important aspect of the instant invention, in that the particular structure thereof has been found by the inventor to cause a behavior by the target insect which enables the invention to effectively trap the insect. More particularly, the outwardly facing channel defined by the fins is colored to attract the target insect to land thereon. Once the insect lands in the channel, the narrowing feature of the channel causes the target insect to walk upwardly rather than flying off the bottom portion of the trap. In other words, the radially extending fins channel the target insect upwardly and into the top portion of the trap. Thus, this outwardly facing and narrowing channel is an important feature of the instant invention. This combination of features, as expressly defined in amended claim 1, is simply not shown or suggested by any of the cited references of record.

The structure of the trap of Gross does not disclose or suggest the trap of the instant invention, as defined in amended claim 1 herein. First, neither elements 12, 13, 14 and 15, nor the associated panels 40, 41, 42 and 43 of Gross, cooperate along the longitudinal axis to form at least two fins extending radially from the longitudinal axis. More importantly, these elements in Gross clearly do not define an outwardly facing channel providing a surface for the target

insect to land thereon. The Examiner has cited the passage 60 shown in Fig. 2 of Gross as allegedly showing the claimed channel. However, in order to more clearly distinguish the teachings of Gross, claim 1 has been amended to require an outwardly facing channel which, as explained above, is an important feature of the invention. The passage 60 in Gross is not an outwardly facing channel and does not have a channel surface that enables the target insect to land thereon. It is noted that the sides 101 of the box 100 shown in Fig. 6 of Gross fail to define an outwardly facing channel, because the sides 101 do not extend radially from a longitudinal axis of the trap, as required by amended claim 1 herein. Moreover, the embodiment of Figs. 1-5 of Gross also fails to disclose any outwardly facing channel formed by radially extending fins, as defined in claim 1. Inasmuch as Gross fails to define this important structural feature of the present invention, Gross will not and cannot achieve the trapping function for which the instant invention was designed.

In view of the above, Gross simply fails to teach or suggest that particular combination of elements set forth in amended claim 1 herein. Thus, the cited references fail to establish a prima facie case of obviousness for the invention defined in amended claim 1. Moreover, none of the other references of record, whether considered alone or in combination, make up for the deficiencies in Gross. Accordingly,

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withdrawal of the rejection under Section 103 is respectfully requested.

Applicant has earnestly endeavored to place this application in condition for allowance, and an early action toward that end is respectfully requested.

To the extent necessary, applicant petitions for an extension of time under 37 CFR §1.136. Any fees required may be charged to Deposit Account No. 11-0610 (Docket No. 5383).

Respectfully submitted,

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